

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

QUENTIN BIGBY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV418-241
	)	
DR. OLATUNJI AWE,	)	
CYNTHIA RIVERS,	)	
	)	
Defendants.	)	

**ORDER**

Quentin Bigby's Complaint was authorized for service on defendants on March 18, 2019. Doc. 11. After delays in accomplishing service, defendant Awe sought, and obtained, a global extension of time from the Court authorizing defendants to file their Answers by July 10, 2019. Doc. 17 (signed July 18, 2019). Meanwhile, plaintiff filed his motion for default judgment, which crossed paths through the jailhouse mail system with the Court's Order. Doc. 19 (signature-filed June 17, 2019). The Court

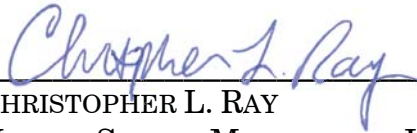
construes his motion as one for entry of default, which is prerequisite to seeking default judgment against a party.

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). As a matter of public policy, however, the Court evinces a “strong preference for deciding cases on the merits — not based on a single missed deadline — whenever reasonably possible.” *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1332 (11th Cir. 2014); *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985) (“[W]e must respect the usual preference that cases be heard on the merits rather than resorting to sanctions that deprive a litigant of his day in court.”); *Ritts v. Dealers Alliance Credit Corp.*, 989 F. Supp. 1475, 1480 (N.D. Ga. 1997) (“defaults are not favored in federal court and trials on the merits are the preferred method for resolving disputes.”). The Court will not enter default against defendants actively (albeit belatedly) participating the litigation of this case. Plaintiff’s motion for entry of default, rendered moot by the Court’s order granting defendants additional time to answer, therefore, is **DENIED**.

Defendants’ answers or other responsive pleadings remain due on

July 10, 2019. Plaintiff's motion for preliminary injunction (doc. 3) remains pending.

**SO ORDERED**, this 24th day of June, 2019.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA